

MICHAEL A. ROSENAUER, LTD.

SIC WEST PLUMB LANE, SUITE A
RENO, NEVADA 89509
TELEPHONE (775) 324-3303

1 Tonia L. Lucio
Texas State Bar No. 00793080
2 HANCE SCARBOROUGH, LLP
111 Congress Avenue, Suite 500
Austin, Texas 78701
3 Telephone: (512) 479-8888

4 Michael A. Rosenauer, Esq. (2872)
F. McClure Wallace, Esq. (10264)
5 MICHAEL A. ROSENAUER, LTD.
510 West Plumb Lane, Suite A
6 Reno, Nevada 89509
(775) 324-3303
7 (775) 324-6616 (facsimile)

8 Attorneys for Third Party Defendant
Duratray, Inc., Duratray International and
9 Conymet Duratray North American Operations, LLC

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 FAIRBANKS GOLD MINING, INC., a
13 Delaware Corporation,

14 Plaintiff,

15 vs.

16 D&D TIRE, INC., a Nevada Corporation,
17 PURCELL TIRE AND RUBBER
COMPANY, a Missouri Corporation,

18 Defendants.

19
20 D&D TIRE, INC., a Nevada Corporation,
PURCELL TIRE AND RUBBER
21 COMPANY, a Missouri Corporation,

22 Third Party Plaintiffs,

23 vs.

24 DURATRAY, INC., a Delaware
Corporation; DURATRAY
INTERNATIONAL, a foreign corporation;
25 CONYMET DURATRAY NORTH
AMERICAN OPERATIONS, LLC, a foreign
26 limited liability company; ROE
CORPORATIONS I-V; PAUL DIMARTINI,
27 an Individual; and BRITT JOHNSON, an

Case No.: 3:10-cv-00492-ECR-WGC

STIPULATION AND ORDER

ORDER GRANTING
STIPULATION

Individual,

Third Party Defendants,

STIPULATION AND ORDER FOR DISMISSAL WITH PREJUDICE

COME NOW, Plaintiff, Fairbanks Gold Mining, Inc. ("FGMP"), Defendants/Third Party Plaintiffs D&D Tire, Inc., and Purcell Tire & Rubber Company ("D&D/PURCELL"), and Third Party Defendants Duratray, Inc., Duratray International, Conymet Duratray North American Operations, LLC, Paul DiMartini and Britt Johnson and file this stipulation for dismissal with prejudice and show the following:

1. On August 9, 2010, FGMI filed this action.
2. On September 13, 2010, D&D/Purcell filed a third party complaint naming Duratray, Inc., Paul DiMartini and Britt Johnson as third party defendants. Duratray, Inc., Paul DiMartini and Britt Johnson have motions to dismiss pending.
3. On January 10, 2011, Purcell/D&D filed an amended third party complaint naming Duratray International and Conymet Duratray North American Operations, LLC and Roe Corporation I-V as third party defendants. Duratray International and Conymet Duratray North American Operations, LLC have been provided extensions for filing responsive pleadings until September 27, 2011. Roe Corporations I-V have not been served and have not made an appearance.
4. The parties have settled the claims in this lawsuit as set forth in the agreement of the parties. Accordingly, pursuant to Fed. R. Civ. P. 41, the parties stipulate to and request that the Court enter an order dismissing, with prejudice, all claims asserted in this lawsuit by any party against any other party.

WHEREAS, PREMISES CONSIDERED, Plaintiff Fairbanks Gold Mining, Inc., Defendants/Third Party Plaintiffs and D&D Tire, Inc., and Purcell Tire & Rubber Company, and Third Party Defendants Duratray, Inc., Duratray International, Conymet

MICHAEL A. ROSENAUER, LTD.
SIO WEST PLUMB LANE, SUITE A
RENO, NEVADA 89509
TELEPHONE (775) 324-3303

MICHAEL A. ROSENAUER, LTD.

510 WEST PLUMB LANE, SUITE A
RENO, NEVADA 89509
TELEPHONE (775) 324-3303

Duratray North American Operations, LLC, Paul DiMartini and Britt Johnson request
the Court enter an order dismissing, with prejudice all claims asserted in this lawsuit by
any party against any other party.

Respectfully Submitted,

HANCE SCARBOROUGH, LLP

By: 

Tonia L. Lucio
State Bar No. 00793080
111 Congress Avenue, Suite 500
Austin, Texas 78701
(512) 479-8888
(512) 482-6891 (Facsimile)

Michael A. Rosenauer, Esq. (2872)
F. McClure Wallace, Esq. (10264)
MICHAEL A. ROSENAUER, LTD.
510 West Plumb Lane, Suite A
Reno, Nevada 89509
(775) 324-3303
(775) 324-6616 (Facsimile)

Attorneys for Third Party Defendant
Duratray, Inc., Duratray International
and Conymet duratray North American
Operations, LLC

WOODBURN AND WEDGE

By: 

W. Chris Wicker (1037)
Joshua M. Woodbury (11326)
6100 Neil Road, Suite 500
Post Office Box 2311
Reno, Nevada 89511

GRAN, RITTER & GRAHAM, P.C.

By: 

Maurice B. Graham
701 Market Street, Suite 800
St. Louis, Missouri 63101

J. Stephen Peek, Esq. (1758)
J. Robert Smith, Esq. (10992)
HOLLAND & HART LLP
5441 Kietzke Lane
Second Floor
Reno, Nevada 89511

Attorneys for Fairbanks Gold Mining, Inc.

Attorneys for D&D Tire, Inc., and
Purcell Tire and Rubber Company

MICHAEL A. ROSENAUER, LTD.
510 WEST PLUMB LANE, SUITE A
RENO, NEVADA 89509
TELEPHONE (775) 324-3303

Duratrax North American Operations, LLC, Paul DiMartini and Britt Johnson request the Court enter an order dismissing, with prejudice all claims asserted in this lawsuit by any party against any other party.

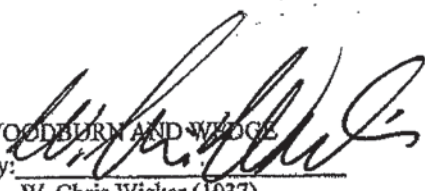
Respectfully Submitted,

HANCE SCARBOROUGH, LLP

By: _____
Tonia L. Lucio
State Bar No. 00793080
111 Congress Avenue, Suite 500
Austin, Texas 78701
(512) 479-8888
(512) 482-6891 (Facsimile)

Michael A. Rosenauer, Esq. (2872)
F. McClure Wallace, Esq. (10264)
MICHAEL A. ROSENAUER, LTD.
510 West Plumb Lane, Suite A
Reno, Nevada 89509
(775) 324-3303
(775) 324-6616 (Facsimile)

Attorneys for Third Party Defendant
Duratrax, Inc., Duratrax International
and Conymet duratrax North American
Operations, LLC

WOODBURN AND WEDGE
By: 
W. Chris Wicker (1037)
Joshua M. Woodbury (11326)
6100 Neil Road, Suite 500
Post Office Box 2311
Reno, Nevada 89511

GRAY, RITTER & GRAHAM, P.C.
By: _____
Maurice B. Graham
701 Market Street, Suite 800
St. Louis, Missouri 63101

J. Stephen Peek, Esq. (1758)
J. Robert Smith, Esq. (10992)
HOLLAND & HART LLP
5441 Kietzke Lane
Second Floor
Reno, Nevada 89511

Attorneys for Fairbanks Gold Mining, Inc.

Attorneys for D&D Tire, Inc., and
Purcell Tire and Rubber Company :

MICHAEL A. ROSENAUER, LTD.

SIC WEST PLUMB LANE, SUITE A
RENO, NEVADA 89509
TELEPHONE (775) 324-3303

ROBISON, DE LAUSSE, SHARP & LOW

By:

F. De Armond Sharp, Esq. (780)

Kent Robison, Esq. (1167)

71 Washington Street

Reno, Nevada 89503

Andrew Bassak, Esq.

Kevin P. Dwight, Esq.

Christopher D. LeGras, Esq.

Manatt Phelps Phillips

One Embarcadero Center, 30th Floor

San Francisco, California 94111

Attorneys for Paul DiMartini and Britt
Johnson

IT IS SO ORDERED

Dated this 24th day of October 2011.

Edward C. Reed

UNITED STATES DISTRICT JUDGE

3:10-cv-00492-ECR-WGC
Fairbanks Gold Mining v.
D&D Tire, Inc., et al.